

REMARKS

This Application has been carefully reviewed in light of the Final Office Action. Applicants appreciate the Examiner's consideration of the Application. In order to advance prosecution of this Application, Applicants have responded to each notation by the Examiner. Applicants respectfully request reconsideration and favorable action in this case.

Claim Objections

Claims 2-7, 10-14, and 34-38 have been amended in accordance with the requirement of the Examiner to correct informalities. No new matter has been added by the amendments to the specification or by the amendments to the claims. Applicants thank the Examiner for pointing out the informalities.

Applicants believe that the amendments place the case in condition for allowance or in better condition for appeal, do not raise the issue of new matter, and do not present new issues requiring further consideration or search. Accordingly, Applicants respectfully request that the Examiner enter the amendments.

Additionally, the Examiner objected to Claim 33. Applicants, however, respectively point out that Claim 33 already recites the language suggested by the Examiner. As a result, Claim 33 has not been amended.

Section 103 Rejections

The Examiner rejects Claims 1-41 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,985,464 to Harper et al. ("*Harper*") in view of U.S. Patent No. 6,628,671 to Dynarski et al. ("*Dynarski*"), and in further view of U.S. Patent Application Pub. No. 2003/0053431 to Madour ("*Madour*"). Applicants respectfully traverse these rejections.

Applicants respectfully submit that the combination of *Harper*, *Dynarski*, and *Madour* proposed by the Examiner fails to disclose, teach, or suggest elements specifically recited in Applicants' claims. For example, the *Harper-Dynarski-Madour* combination proposed by the Examiner fails to disclose, teach, or suggest the following recited in independent Claim 1:

determining, at the packet data serving node, whether the mobile node communicated with a previous packet controller function serviced by the packet data serving node.

The Examiner concedes that *Harper* does not disclose these elements. (Final Office Action, Pages 3-4.) Instead, the Examiner contends that the disclosure of *Dynarski* at Col. 3, Lines 60-63 of a “network server determin[ing] if the mobile node communicated with one of its ports previously” teaches these elements. (Final Office Action, Pages 5-6.)

The network access server port of *Dynarski*, however, fails to disclose, teach, or suggest a packet controller function, especially the packet controller function of Claim 1. For example, Claim 1 clearly states (emphasis added) “communicating, by a packet data serving node, with a current packet controller function ***through a tunnel***, the current packet controller function ***operating as a packet switch that provides a circuit service between the packet data serving node and a base station controller.***” *Dynarski*, however, fails to disclose either that a port and a network access server of *Dynarski* communicate through a tunnel, or that a port of *Dynarski* operates as a packet switch that provides a circuit service between the packet data serving node and a base station controller, let alone both. In fact, *Dynarski* merely defines a port as being “in the network access server.” (*Dynarski*, Col. 3, Lines 23-37.)

Additionally, contrary to the Examiner’s contention at Page 3 of the Final Office Action that the port of *Dynarski* is the same as the PCF of *Harper*, *Harper* discloses:

A first technique for selecting a specific PDSN to suggest to a PCF includes configuring each PDSN with ***two addresses (also known as ports)***: an R-P redirection address and an R-P service address.

(*Harper*, Col. 6, Lines 54-59 (emphasis added). That is, *Harper* expressly discloses that ***a port is different from a PCF.***

Consequently, at a minimum, the port of *Dynarski* fails to disclose, teach, or suggest a packet controller function of Claim 1. Therefore, even if *Dynarski* does disclose a network server “determin[ing] if the mobile node communicated with one of its ports previously,” which Applicants do not concede, *Dynarski* still fails to disclose, teach, or suggest “determining, at the packet data serving node, whether the mobile node communicated with a previous ***packet controller function*** serviced by the packet data serving node” of independent Claim 1 (emphasis added). As a result, the *Harper-Dynarski-Madour*

combination proposed by the Examiner fails to disclose, teach, or suggest the elements of independent Claim 1. For at least these reasons, independent Claim 1 and its dependent claims are allowable under 35 U.S.C. § 103. For analogous reasons, independent Claims 8, 9, 15, 16, 23, 26, 32, 33, 39, 40, and 41, and their dependent claims are allowable. Accordingly, Applicants respectfully request reconsideration and allowance of Claims 1-41.

CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, Applicants respectfully request full allowance of all the pending claims.

If the Examiner believes a telephone conference would advance prosecution of this case in any way, the Examiner is invited to contact Keiko Ichiye, the Attorney for Applicants, at the Examiner's convenience at (214) 953-6494.

Although Applicants believe no fees are due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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